

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, August 3, 2010
7:30 p.m.

Mayor Joy Shull called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Vice Mayor Fravel offered the invocation.

Roll call showed the following present:

Vice Mayor Linden A. Fravel, Jr., Council member Joseph Grayson, Council member James Harter and Council member Joseph Hollis
Absent – Council members Bowers and Dilg

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; David Griffin, Town Attorney; Charles Bockey, Chief of Police; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk

Press: Joel Danoy, Winchester Star

Guests: Ray E. Ewing, Michael P. Grim, John Zunka

AGENDA

The Agenda for July 7, 2010 as amended to delete the action item to make appointment to the Planning Commission was adopted by consensus. The Mayor noted that this left two vacancies on the Planning Commission which should be appointed at the next meeting. The Town Manager noted that there was also a need to fill a vacancy on the Regional Planning Commission.

PUBLIC COMMENTS

Mayor Shull opened the floor for public comment on any topic not included in the Agenda or under Public Hearings. There were none.

PUBLIC HEARING

Town Code Chapter 18 – Subdivision Ordinance – Repeal and Re-enact

Mayor Shull introduced the Public Hearing to address Town Code Chapter 18 Subdivisions to repeal and reenact. Mayor Shull called for comments or questions from Council and the public. There being none the public hearing was closed.

MINUTES – July 7, 2010 Regular Meeting

Council member Harter moved for approval of the minutes of July 7, 2010 as corrected and the motion carried with the following vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye
Council member Grayson	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye
Nays - None		
Absent – Council member Bowers		
Council member Dilg		

TREASURERS REPORT – Kim Uttenweiler

Mayor Shull announced that the members had the treasurer's report for information and asked if there were any questions. There being none, the treasurer's report was accepted as presented.

POLICE REPORT – Charles Bockey, Chief

Mayor Shull announced that the members had Chief Bockey's police report for information and asked if there were any questions. There being none, the police report was accepted as presented.

ACTION AGENDA

A. Resolutions of Appreciation – Ray E. Ewing and Michael Grim

Mayor Shull asked for a motion to approve the Resolutions of Appreciation. Council member Hollis moved that the Resolutions of Appreciation for Ray E. Ewing and Michael Grim be adopted and the motion was passed with the following recorded vote:

Recorded Vote:

Council member Fravel	-	Aye	Nays - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	
Abstain - None			
Absent – Council member Bowers			
Council member Dilg			

Mayor Shull requested that Mr. Ewing come to the front of the room for presentation. Mayor Shull read the Resolution of Appreciation (copy attached) to Mr. Ewing and presented him with a signed copy of the resolution and a key to the Town with an attachment of his own key to the yard waste site. All present applauded.

RESOLUTION

OF APPRECIATION

WHEREAS, Ray E. Ewing, was duly elected by the citizens of the Town of Stephens City to serve as Mayor of the Town beginning May 1994 through June 30, 2010, serving with energy, devotion and dedication and;

WHEREAS, Mayor Ewing guided the Town into the 250th Anniversary of its founding and led the citizens in celebrations and presentations which lasted the entire year of 2008, and;

WHEREAS, during his tenure as Mayor, he oversaw many important developments for the Town of Stephens City including the annexation of 700 plus acres to approximately double the area of the Town, the acquisition of property for the Newtown Commons park area, the expansion of the water and sewer system among others, and;

WHEREAS, Ray E. Ewing provided years of service to the Town and leadership to Town Council and leaves the Town strong financially and with plans for growth to help protect the security of the citizens in the future;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and all members of the Stephens City Town Council do hereby take this opportunity in behalf of the citizens of the town to express our sincere appreciation for the years of faithful and unselfish service to the community and wish you the best for a long and well deserved retirement.

Adopted this 3rd day of August, 2010.

Joy B. Shull, Mayor

ATTEST: _____
Dianne L. MacMillan, Town Clerk

Mayor Shull requested that Mr. Grim approach the front of the room for the presentation. Mayor Shull read the Resolution of Appreciation (copy attached) to Mr. Grim and presented him with a token of appreciation from the Town. All present applauded.

RESOLUTION

OF APPRECIATION

WHEREAS, Michael P. Grim, was duly elected by the citizens of the Town of Stephens City to serve on the Town Council in May of 1998 and served through June 30, 2010 with dedication and enthusiasm, and;

WHEREAS, Mr. Grim served on several standing committees of the Town Council and as Chairman of the Public Works Committee, and;

WHEREAS, during his tenure on Council he participated in many important developments for the Town of Stephens City including annexation of acreage into the Town limits, and water and sewer upgrades throughout the Town and;

WHEREAS, Mike Grim provided years of service to the Town and always acted in the best interests of the citizens of the Town;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and all members of the Stephens City Town Council do hereby take this opportunity in behalf of the citizens of the town to express our sincere appreciation for the years of faithful and unselfish service to the community and wish you the best for a long and well deserved retirement from public service.

Adopted this 3rd day of August, 2010.

Joy B. Shull, Mayor

ATTEST: _____
Dianne L. MacMillan, Town Clerk

B. Proclamation – Sherando High School Spirit Week

The Mayor said that the Council needed to approve a proclamation for Sherando High School Spirit week as requested at the last meeting. It was moved by Council member Grayson that Council approve the proclamation and the motion was passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Grayson	-	Aye	Abstain - None
Council member Harter	-	Aye	
Council member Hollis	-	Aye	
Absent – Council member Bowers			
Council member Dilg			

Mayor Shull read the Proclamation

PROCLAMATION

SHERANDO HIGH SCHOOL SPIRIT WEEK

WHEREAS, Sherando High School has become a vital part of the Town of Stephens City, Virginia, providing educational and recreational opportunities to all the residents; and

WHEREAS, the education of the youth of the community is of paramount importance to the future of the Town; and

WHEREAS, it is in the best interests of the Town of Stephens City, its merchants and its citizens to promote activities sponsored by Sherando High School within the Town limits; and

WHEREAS, the Town Council of the Town of Stephens City has agreed to support the Sherando High School homecoming activities;

NOW THEREFORE, we, the Town Council of the Town of Stephens City, do hereby proclaim the week of September 20-25, 2010 as

Sherando High School Spirit Week

in Stephens City, Virginia, and call upon all the residents of the Town to join us in supporting the activities of Sherando High School during this week.

August 3, 2010

Joy B. Shull, Mayor

Attest:

Dianne L. MacMillan, Town Clerk

C. Town Code Chapter 18 – Subdivision Ordinance – Repeal and Re-enact – First Reading

Mayor Shull stated that the Planning Commission had worked on the Ordinance for over a year. She added that the purpose of the repeal was to change the format to agreed with the format of the other town ordinances and resulted in a more user-friendly and more easy to read document than the previous ordinance. She asked if there were comments or questions from the public or Council and there were none. She further stated that the second reading would be held at the next Council meeting in September and if needed, additional issues could be addressed at that time also.

The Mayor requested that the Clerk read the ordinance by title only for first reading. The Clerk read “An Ordinance to Repeal and Re-enact Chapter 18, Subdivisions of the Code of the Town of Stephens City, Virginia.” Vice Mayor Fravel moved to approve the Ordinance for the first reading and the motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	
Abstain - None			
Absent – Council member Bowers			
Council member Dilg			

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

No report.

B. Finance Committee – Joseph Hollis, Chair

No report.

C. Public Works Committee – Joseph Grayson, Chair

Council member Grayson said the minutes from the meeting were in the packet. He said there were two recommendations from the Committee to Council.

He said the first was for the paving of the parking lot at the town office. Mr. Kehoe received three quotes and the Committee chose to accept the bid of D&D Paving which was the most expensive by \$50.00 but had the best proposal. He added that the third low ball price did not fit in line with the other two which raised a flag with the Committee. He moved that The Town approved the proposal of D& D Paving to do the paving at the Town Office. Mr. Kehoe said that this was included in the CIP for this year and had been put off for the last two years noting that the lot had not been repaved since 1979, close to thirty years. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye
Council member Grayson	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye
Nays - None		
Abstain - None		
Absent – Council member Bowers		
Council member Dilg		

Council member Grayson said secondly, the Committee had been updated by LPDA and Triad Engineering on the North Main Street Enhancement Project and recommended that Council approve the project's next stage to proceed to the design and engineering phase as presented at the meeting of the Committee. Council member Grayson moved that Town Council allow LPDA and Triad Engineering to proceed to the design and engineering phase of the project. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye
Council member Grayson	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye
Nays - None		
Abstain - None		
Absent – Council member Bowers		
Council member Dilg		

D. Water/Sewer Committee – Jim Harter, Chair

No report.

E. Personnel Committee – James Harter, Chair

No meeting – no report.

F. Parks and Recreation Commission – Ronald Bowers, Chair

No report.

G. Public Safety Committee – Ronald Bowers, Chair

No addition to the submitted report.

PLANNER'S REPORT – Brian Henshaw

Town Planner, Brian Henshaw said he had nothing to add to the submitted report and asked Council for any questions or comments on the Planner's report as included in the agenda packet. There were none.

TOWN MANAGERS REPORT

1. Mr. Kehoe reported on the school project – Lantz Construction Co. was in the process of stripping the old windows to remove the lead based paint according to required procedures and the Town should be seeing a lot of activity in the next six weeks. The appearance of the school would be greatly improved with the installation of the redone windows.
2. Mr. Kehoe reminded everyone that the Yard Crawl would be held on Saturday, August 14th and it would be the third year the Town had participated. He said there was a lot of activity last year and it truly was a crawl. He added that it was probably the busiest day of the year as far as traffic through the Town. Mr. Kehoe noted that the Crawl does bring revenue to the Town businesses and the restaurants generally see a pick up. It is a continuing good economic development activity for the Town.
3. Mr. Kehoe also reported that the Capon Valley Bank will be opening soon at the south end of the Town. He advised that as part of the process they relocated the sewer line from under their expanded parking lot. This project resulted in almost 200 feet of new sewer line and the installation of two new manholes which eliminated a source of I&I into the Town system.

COUNCIL COMMENTS/CALENDAR

Mayor Shull asked for any comments or changes to the calendar and there were none.

MOTION FOR CLOSED MEETING

Date: August 3, 2010

Motion By: Council member Harter

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel pertaining to actual or pending litigation where such consultation or briefing in open meeting would adversely affect negotiating or litigating posture of the public body..

VOTE:

Aye – Vice Mayor Fravel
Council member Grayson
Council member Harter
Council member Hollis
Absent – Council member Bowers
Council member Dilg

Nay - None
Abstain - None

ATTEST: _____
Dianne L. MacMillan, CMC, Town Clerk

Council member Harter moved to return to open session and the motion passed.

CERTIFICATION OF CLOSED MEETING
RESOLUTION

Date: August 3, 2010

Motion By: Council member

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Mayor Shull

Vice Mayor Fravel

Council member Grayson

Council member Harter

Council member Hollis

Nay – None

Absent – Council member Bowers

Council member Dilg

Abstain – None

Dianne L. MacMillan, CMC, Town Clerk

There was no action taken as a result of Closed Session.

There being no further business, Council member Harter moved to adjourn at 9:10 p.m. and the motion carried.

Joy B Shull, Mayor

Dianne L. MacMillan, CMC, Town Clerk